



Patitioner's Docket No. 1012-166C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Damian Hajduk  
Application No.: 10/712,617  
Filed: 11/12/2003  
For: RHEOMETER FOR RAPIDLY MEASURING SMALL QUANTITY SAMPLES

Group No.: 2856  
Examiner: Larkin, Daniel Sean

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 50-0496, shown on the statement dated February 2005, for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"  
Mailing Label No. EV689506021 US (mandatory)

**TRANSMISSION**

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

Signature

Date:

09-13-05

Roni L. Masquelier

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**REQUESTED**

RCE	\$790.00
<b>TOTAL REFUND REQUESTED</b>	<b>\$790.00</b>

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

Applicants were charged \$790.00 for the filing of an RCE. A copy of the Request for Continued Examination sent to the USPTO on February 14, 2005 is enclosed. Please note that we received a "Notice of Improper Request for Continued Examination (RCE) (copy enclosed) on March 11, 2005 meaning that the RCE was never accepted by the PTO and thus the RCE fee was incorrectly charged to the deposit account.

**IV. MANNER OF REFUND**

Please make refund by crediting Account No. 50-0496.

Date: September 13, 2005



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**Deposit Account Statement**

Requested Statement Month: February 2005  
Deposit Account Number: 500496  
Name: SYMYX TECHNOLOGIES  
Attention: LEGAL DEPARTMENT  
Address: 3100 CENTRAL EXPRESSWAY  
City: SANTA CLARA  
State: CA  
Zip: 95051  
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/16	148	10712617	2000-001CON2	1801	\$790.00	\$49,398.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
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